SUPREME COURT, U.S.
Supreme Court, U.S.
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In the Supreme Court of the United States

OCTOBER TERM, 1970

No. 1170

ADAM FARKAS,
PETITIONER,

v.

TEXAS INSTRUMENTS, INC.,
RESPONDENT.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

PETITION FOR RECONSIDERATION OF DECISION OF COURT DELIVERED ON MARCH 22, 1971

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Pro Se
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Bristol, Rhode Island

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The denial of my Petition submitted to this Court is a sad decision not only for me — the petitioner here — but also for the judiciary system of the United States.

My Petition to this Court is clear and so is the statement of my Complaint which alleges that 'the defendant Texas Instruments, Inc., blacklisted me in concerted actions with the State Officers of the Dallas, Texas Police Department. And the defendant acted in concert with Texas State Officers in the enforcement of a Police surveillance

and harassment program in order to prevent me from working for a living in this country'.

I did not present any argument in my Petition to this Court. As it requires no argument to show that blacklistings and harassments which are enforced with the assistance of the State Police are violations of the Constitution of the United States.*

Therefore, I understand that this Court's denial in my case is a sad one. This Court has denied my personal privilege to live in this country free of Police harassments which are designed to prevent me from obtaining work to support my family.

As far as the American Judiciary system is concerned, the decision to deny my Petition in this Court is a devastating one. My Petition brings to light irregular proceedings in the U.S. Court of Appeals for the First Circuit. Among these, I documented the fact that recently the U.S. Court of Appeals for the First Circuit ignored or set aside the State and Federal laws for the sake of so called "fairness". (See the concluding statement of the opinion in the case of *Seymour* v. *Parke, Davis & Co.*, 423 F.2d 584. I understand that only a small fraction of such "fairness" goes into the actual judgment. For most of such "fairness" goes into an activity which should not be condoned in any judiciary system.

To name only one of the aforesaid irregularities, I recall here that the U.S. Court of Appeals decision in my case is based on its previous opinion rendered in the case of *Seymour* v. *Parke, Davis & Co.* In *Seymour* v. *Parke, Davis & Co.*, *supra*, the Court of Appeals stated, "When, however, defendant's only activities consist of advertising and employing salesmen to solicit orders, we think that fairness

* There is no doubt in my mind that it should take less than 60 seconds for any knowledgeable person to conclude that blacklistings and harassments enforced with the help of the State Police do in fact violate the 14th Amendment of the United States Constitution.

will not permit a state [In this instant case Massachusetts] to assume jurisdiction.''; nor, it seems, will it permit service of process in Massachusetts on a corporation which does business with 6 secretaries and 9 salesmen permanently located in Massachusetts.

Against all of this ''fairness'' the provisions of sec. 1391(c) of Title 28 of the U.S. Code and Chapter 223, sec. 38 of the Massachusetts General Laws *explicitly require venue for jurisdiction and service of process* in Massachusetts on a Corporation which does business with as little as one agent located in Massachusetts. And, the Defendant, Texas Instruments, Inc. openly told the Court of Appeals that it permanently employs 6 secretaries and 9 salesmen in Waltham, Massachusetts. See Affidav't, Appendix A.

Therefore, it seems logical that the United States Supreme Court would want to know about the real reason for the kind of ''fairness'' which can induce a Chief Judge of the U.S. Court of Appeals to set aside (or ignore) the explicit provisions of laws enacted by State and Federal legislatures.*

A brief inquiry into this matter would reveal that the aforesaid judicial ''fairness'' in the court of Appeals for the First Circuit seems to favor wealthy corporations which are named as defendants in these legal proceedings. In Conclusion, the petitioner respectfully requests that this Court reconsider its decision in light of the foregoing.

Respectfully submitted,

ADAM FARKAS
Pro Se

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* I am just a naturalized American from the "Old Country", who joined the American way of life. So, I understand that justice and judiciary decisions, in America, are achieved by means of rational methods. Here a Chief Judge of the U.S. Court of Appeals decided *not to* apply the law "for the sake of fairness." What sort of rationale is that?

APPENDIX A

It will be seen by the following that Texas Instruments, Incorporated (the Defendant) seems to be doing very well in Massachusetts for a corporation which said under oath, it would not do business in Massachusetts under the name of Texas Instruments Incorporated.

AFFIDAVIT

STATE OF TEXAS)
) ss:
COUNTY OF DALLAS)

I, Bryan F. Smith, being first duly sworn, depose and say as follows:

1. I am a Senior Vice President and Secretary of the defendant Texas Instruments Incorporated and am familiar with its various business activities in the United States. I am the same Bryan F. Smith whose affidavits dated August 21, 1967 and December 23, 1968 are on file with the papers of this case.

2. The statements set forth in my two prior affidavits are correct, except that there are now in the Waltham Sales Office nine rather than six solicitors, six rather than four secretaries and the office maintains a petty cash checking account of up to $300.00.

3. I have read the plantiff's amended complaint, referred to in the Court's Order of June 9, 1969, and am generally familiar with the claims which the plaintiff, Adam Farkas, has made against Texas Instruments Incorporated in recent years. The claims alleged in the plaintiff's amended complaint relate to business which was done by Texas Instruments Incorporated and events which took place only in the State of Texas.

Bryan F. Smith, Senior Vice President
and Secretary
Texas Instruments Incorporated

Dallas, Texas

Subscribed and sworn to before me this 9th day of September, 1969.

Clara C. O'Brien
Notary Public
My Commission expires June 1, 1971

EXHIBIT 'H' page 1.

Filed in open Court 9/16/69 - RJ

John F. X. Davoren
Secretary of the Commonwealth

The Commonwealth of Massachusetts

Office of the Secretary

State House, Boston 02133

July 7, 1970

I, JOHN F. X. DAVOREN, Secretary of the Commonwealth, hereby certify that

TEXAS INSTRUMENTS INCORPORATED

a corporation organized under the laws of the State of Delaware on December 23, 1938, complied with the provisions of General Laws, Chapter 181, relative to doing business in the Commonwealth of Massachusetts, and on March 26, 1959, filed the papers required by law:

and I further certify that said corporation was so qualified to do business in this Commonwealth from that date until January 11, 1961, on which date a legally authorized person filed on behalf of TEXAS INSTRUMENTS INCORPORATED an affidavit of withdrawal of its right to do business under the name of TEXAS INSTRUMENTS INCORPORATED in Massachusetts.

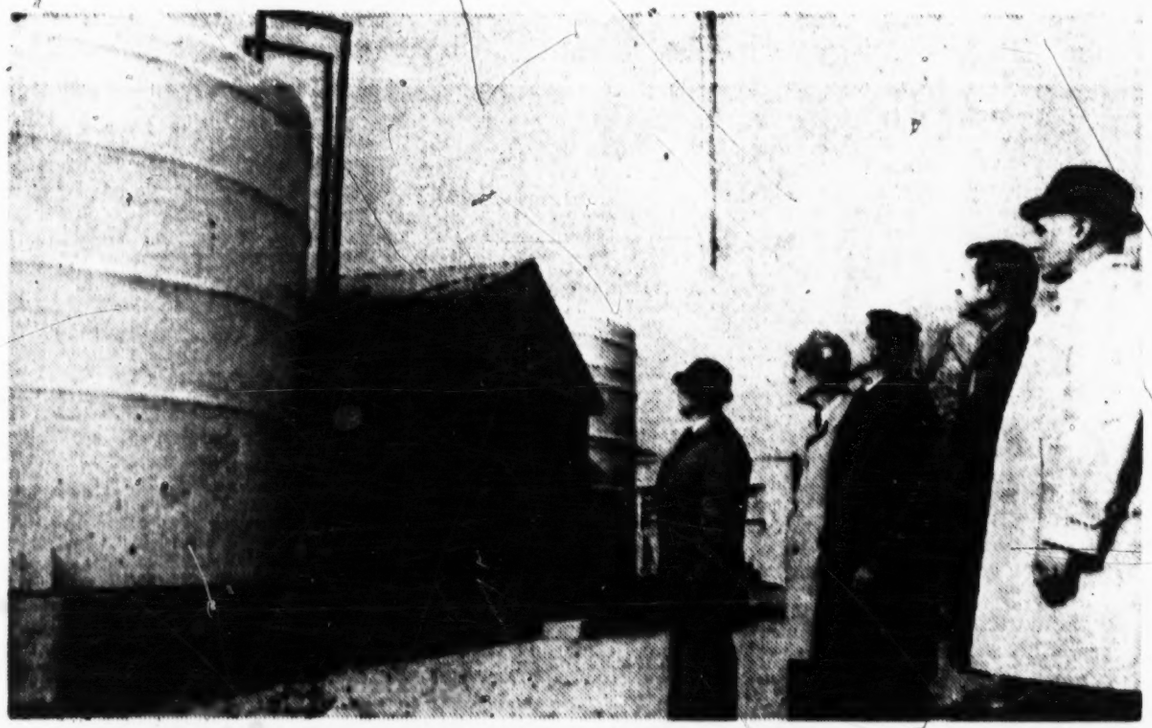
IN TESTIMONY of which, I have hereunto affixed the Great Seal of the Commonwealth on the date first above written.

John F. X. Davoren

Secretary of the Commonwealth.

Deputy Secretary.

C.D. 504. SH-3-69-94902S



Inspecting TI's new effluent treatment plant are (l-r) Henry Brousseau, Attleboro health agent; Michael Anthony, TI manager of division services; John F. Wilson, TI regional vice president; Mayor Thomas A. Piggott; Joseph Keith, public works superintendent.

TI treats industrial waste

Texas Instruments Inc.'s two divisions at Attleboro put a new industrial waste treatment system on the line Friday.

Spent acid and spent cyanide from the TI complex were being discharged into drains and found their way into Thacher Brook, then the Ten Mile River and eventually into the East Providence water system.

All factories whose waste goes into the Ten Mile River Basin have been put on implementation schedules by the Division of Water Pollution Control in the Massachusetts Department of Natural Resources, according to a spokesman in the state agency. He said the office was "very pleased" with the progress in Attleboro.

Construction of the TI facility began last spring. Planning goes back to 1965, when the company retained the Hamden, Conn., office of Laney Laboratories Inc. to develop the system.

Approximate cost of construction was $250,000. It is expected to cost $30,000 a year to operate.

There are three separate treatment operations, two for cyanide and one the largest

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EXPORT-IMPORT SHIPPING SCHEDULES

INBOUND

Vessel	Arrival	Origin			
M.V. Finnboard	April 20	enroute			
M.S. Son Rome	April 18	enroute			
		Copenhagen	April 16	Helsingborg	April 17
M.S. Elsewerdersand	April 30	Vasteras	May 1	Fredericia	May 4
		Copenhagen	May 4	Helsingborg	May 5
M.S. Burhaversand	May 17	Vasteras	April 28	Aarhus	May 1
		Hamina	April 29	Helsinki	April 30
M.V. Finnmaid	May 30	Copenhagen	May 2	Norrsborg	May 6
		Vasteras	May 10	Helsingborg	May 12
M.S. Son Rome	June 6	Copenhagen	May 30	Aarhus	May 31

OUTBOUND

Vessel	Loading	Destination
M.V. Finnboard	April 20 Providence	Rotterdam-Hamburg
M.S. Son Rome	April 18	Vasteras-Copenhagen-Helsingborg
M.S. Elsewerdersand	April 30	Vasteras-Copenhagen-Helsingborg
M.V. Finnmaid	May 17	Vasteras-Copenhagen-Helsingborg
M.S. Son Rome	May 30	Rotterdam-Copenhagen-Hamburg-Helsinki
	June 6	Vasteras-Copenhagen-Helsingborg

For further details: Thomas C. O'Rourke, Port of Providence, 781-0234, 781-5767.

PUBLICLY OWNED COMPANY

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METALS & CONTROLS INC.
A CORPORATE DIVISION OF
TEXAS INSTRUMENTS
INCORPORATED

September 16, 1969

Mr. Adam Farkas
Raytheon
P.O. 360
Portsmith, Rhode Island 0287.

Dear Mr. Farkas:

For your information, we are enclosing a copy of our latest data bulletin on our new high-speed edgeboard connector EC-022-MI-9000. For information on mounting of connector and mating board details, please see reverse side of data bulletin.

As indicated by this data bulletin, this connector was designed for high frequency or high switching speed applications, and is currently available in production quantities. The following is the price and delivery schedule in various quantities.

1 - 9	$14.30
10 - 24	10.80
25 - 99	8.30
100 - 499	6.80
500 - 999	5.80
1K - 2K	4.99
2.5K - 4999	4.40
5K - 9999	4.00
10K +	3.80

Quantities up to 100 1 to 4 weeks delivery. Quantities over 100 4 to 8 weeks delivery.

If I can be of further assistance to you, please do not hesitate to contact me. Your interest in Texas Instruments products is greatly appreciated.

Very truly yours,

Ray Larsen
Product Manager

pc
enclosure: data bulletin , photograph
cc: Field Sales Engineer, Pete Robinson, 24 Taylor Lane, Portsmith, New Hampshire

P.S. Pricing on coax cable adaptor place available on special request.

Texas Instruments Terms Clad Metals . . .

Metalworking's $1 Billion Infant

TI's Philip J. Gomez

"And $1 billion covers only clad metal materials systems currently available or on our drawing boards. We know the surface has only been scratched."

REACH INTO YOUR pocket and dig out one of those "sandwich" dimes or quarters currently being minted. You're holding an example of a technology which has grown from specialty applications in jewelry and thermostat metals to a volume business with potential exceeding $1 billion annually: clad metals.

That evaluation comes from Texas Instruments Inc.'s Materials Div., Attleboro, Mass., a front runner among the handful of firms pioneering in this area.

"And $1 billion covers only clad metal materials systems currently available or on our drawing boards," claims Philip J. Gomez, TI vice president and Materials Div. general manager. "The total dollar potential of this market is almost impossible to pin down because we are constantly discovering new applications."

• Benefits—Mr. Gomez cites two distinct benefits of clad metals as basis for this rapid growth: improved product performance by combining optimum engineering properties; cost reduction either by conserving costly material (see table) or by simplifying manufacturing operations. TI calls this the application of the "materials system concept."

TI is pursuing application in the transportation, appliance, construction, communication, electric, electronic, military, and government markets. The table accompanying this article gives some idea of the basic combina-